

4/22/2013 4:31 PM

DOCKET NO. D-1968-092 CP-3

DELAWARE RIVER BASIN COMMISSION

**Home Properties dba William Henry Apartments
Wastewater Treatment Plant
East Whiteland Township, Chester County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Home Properties doing business as William Henry Apartments (WHA or docket holder) on September 28, 2012 (Application), for renewal of an existing wastewater treatment plant (WWTP). National Pollutant Discharge Elimination System (NPDES) Permit No. PA0050920 for this project was issued by the Pennsylvania Department of Environmental Protection (PADEP) on June 13, 2012, effective July 1, 2012.

The Application was reviewed for inclusion of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Chester County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on May 7, 2013.

A. DESCRIPTION

- 1. Purpose.** The purpose of this docket is to renew approval of the existing 0.069 million gallons per day (mgd) WHA WWTP and its related discharge.
- 2. Location.** The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Ridley Creek at River Mile 84.0 – 20.75 – 0.6 (Delaware River – Ridley Creek - UNT) via Outfall No. 001, in East Whiteland Township, Chester County, Pennsylvania as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 01' 27"	75° 33' 33"

3. Area Served. The WWTP will continue to serve the docket holder's apartment complex in East Whiteland Township, Chester County, Pennsylvania. For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. Physical Features.

a. Design Criteria. The docket holder will continue to operate the existing 0.069 mgd WHA WWTP.

b. Facilities. The WWTP consist of a muffin monster, an equalization tank, a splitter box, two (2) aeration tanks, two (2) clarifiers, a sand filter, an aerobic sludge digester, and a chlorine contact tank. Additionally, alum and soda ash may be fed into the system during aeration at various concentrations for flocculation and phosphorous removal.

The project facilities aren't located in the 100-year floodplain.

Wasted sludge will continue to be hauled off-site by a licensed hauler for disposal at a (State-approved) facility.

c. Water withdrawals. The potable water supply in the project service area is supplied by Aqua Pennsylvania.

d. NPDES Permit / DRBC Docket. NPDES Permit No. PA0050920 was issued by the PADEP on June 13, 2012 (effective July 1, 2012) and includes final effluent limitations for the project discharge of 0.069 mgd to surface waters classified by the PADEP as a high quality – trout stocking fishery (HQ-TSF). The following average monthly effluent limits are among those listed in the NPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES Permit

OUTFALL 001 (WWTP)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	10 mg/l	As required by NPDES Permit
CBOD5 (5-1 to 10-31)	10 mg/l (85% minimum removal*)	As required by NPDES Permit
(11-1 to 4-30)	15 mg/l (85% minimum removal*)	
Ammonia Nitrogen (5-1 to 10-31)	1.8 mg/l	As required by NPDES Permit
(11-1 to 4-30)	5.4 mg/l	
Fecal Coliform	200 colonies per 100 ml as a geo. avg.	As required by NPDES Permit

* DRBC Requirement

EFFLUENT TABLE A-2: DRBC Parameters Not Included in NPDES Permit

OUTFALL 001 (WWTP)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	Monitor & Report *	Quarterly **

* DRBC Requirement

** See DECISION Condition II.q.

The PADEP has required effluent limits for Phosphorous and Dissolved Oxygen. The DRBC does not require Phosphorous and/or Dissolved Oxygen effluent limits outside of Special Protection Waters (SPW).

- e. **Cost.** There are no construction costs associated with this renewal project.
- f. **Relationship to the Comprehensive Plan.** Issuance of this docket will include the 0.069 mgd WHA WWTP into the Comprehensive Plan (See DECISION Condition I.b.).

B. FINDINGS

The purpose of this docket is to renew approval of the existing 0.069 mgd WHA WWTP and its related discharge.

At the project site, the UNT of Ridley Creek has an estimated seven-day low flow with a recurrence interval of ten years of less than 0.1 cfs and is therefore classified as an intermittent stream by the DRBC. The ratio of the low flow to the design wastewater discharge from the 0.069 mgd WHA WWTP is estimated to be 0.5 to 1.

The nearest surface water intake of record for public water supply downstream of the project discharge is operated by Aqua Pennsylvania on Ridley Creek approximately 14.6 river miles away.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *Water Quality Regulation (WQR)*.

C. DECISION

- I. Effective on the approval date for Docket No. D-1968-092 CP-3 below:

a. Dockets Nos. D-68-92 and D-68-92-2 are terminated and replaced by Docket No. D-1968-092 CP-3; and

b. The project and the appurtenant facilities described in Section A “Physical Features” of this docket shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in Section A “Physical Features” of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES Permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission’s *WQR*.

d. The docket holder shall comply with the requirements contained in the Effluent Tables in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F, nor shall such discharge result in stream temperatures exceeding 87°F. (Non-tidal, Non-trout Waters)

i. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served Section of this docket, which incorporates by reference Sections B

(Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION Section.

j. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

k. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

l. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

m. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

n. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

o. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

p. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

q. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

r. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

BY THE COMMISSION

DATE APPROVED:

EXPIRATION DATE: June 30, 2017